



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Christopher B. Newgard

Mette V. Jensen

A. Dean Sherry

Shawn C. Burgess

Serial No.: ~~Unassigned~~ 10/760,644

Filed: January 20, 2004

For: "Lactate Dehydrogenase as a Novel
Target and Reagent for Diabetes Therapy"

Examiner: Unknown

Group Art Unit: Unknown

Atty. Docket: 5405.301
UTSD:0984-1

**ELECTION UNDER 37 C.F.R. SS 3.71
AND 3.73 AND POWER OF ATTORNEY**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. S 3.71, to prosecute the application to the exclusion of the inventors.

The Assignee hereby revokes any previous Powers of Attorney and appoints Karen A. Magri ; an attorney or agent of the firm of Myers Bigel Sibley & Sajovec, as its attorney or agent for so long as she remains with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent to file any request for a certificate or correction that may be deemed appropriate.

Pursuant to 37 C.F.R. S 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to Board of Regents, The University of Texas System, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communication as follows:

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ASSIGNEE: BOARD OF REGENTS, THE
UNIVERSITY OF TEXAS SYSTEM

By:

Name: Cullen M. Godfrey
Title: Vice Chancellor and General Counsel

Date: **FEB 13 2004**
ASSIGNMENT: Concurrently filed